

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:22-cv-00068

LATONYA BANKS,

Plaintiff

v.

OLLIE’S BARGAIN OUTLET, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant Ollie’s Bargain Outlet, Inc. (hereinafter, “Defendant”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant states the following in support of its removal:

1. Plaintiff commenced this action on March 28, 2022 against Defendant in the New Hanover County Superior Court, State of North Carolina, by filing a Complaint styled *Latonya Banks v. Ollie’s Bargain Outlet, Inc.*, File No. 22 CVS 001053 (the “State Court Action”).

2. Plaintiff served Defendant with the Summons and Complaint on March 30, 2022 through its registered agent, Corporation Service Company.

3. Defendant files this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint which sets forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. § 1441 and 1446(b)(1).

4. All process, pleadings, and orders filed in the State Court action, which were served on Defendant are attached as Exhibits 1 and 2.

5. Defendant has not yet filed an answer or other responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim it may have.

6. Plaintiff is a citizen and resident of New Hanover County, North Carolina.

7. Defendant is a Pennsylvania corporation with its principal place of business in Dauphin County, Pennsylvania.

8. Plaintiff is asserting a claim for negligence based on an alleged fall at an Ollie's Bargain Outlet location in Wilmington, North Carolina. Plaintiff alleges that she "received serious, painful injuries, causing her to incur medical expenses, lost wages, pain and suffering, and possibly permanent injury" and that she is entitled to recover "all damages incurred or to be incurred." Upon information and belief, Plaintiff's alleged damages are in excess of \$75,000.00.

9. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will serve Plaintiff and file with the New Hanover County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendant prays that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendant further requests that this Court assume jurisdiction over this action and proceed to a final determination thereof.

This the 28th day of April, 2022.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
N.C. State Bar No. 19600
MATTHEW C. BURKE
N.C. State Bar No. 52053
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: chris.page@youngmoorelaw.com
Email: matthew.burke@youngmoorelaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served the attorney listed below by U.S. Mail:

Samuel H. MacRae, Esq.
MACRAE LAW FIRM, PLLC
307 N. 5th Street
Wilmington, NC 28401
Attorneys for Plaintiff

This the 28th day of April, 2022.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
N.C. State Bar No. 19600
MATTHEW C. BURKE
N.C. State Bar No. 52053
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: chris.page@youngmoorelaw.com
Email: matthew.burke@youngmoorelaw.com
Attorneys for Defendant